

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
G & M ENGINEERING, INC.,)
Appellant,)
v.)
SPOKANE COUNTY AIR POLLUTION)
CONTROL AUTHORITY,)
Respondent.)

PCHE No. 576

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

THIS MATTER being an appeal of a \$25.00 civil penalty for allegedly operating and maintaining a waste burner having come on regularly for hearing before the Pollution Control Hearings Board on the 14th day of August, 1974, at Spokane, Washington; and appellant G & M Engineering, Inc. not appearing, and respondent Spokane County Air Pollution Control Authority appearing through its attorney, James Emacio; and Bernard G. Lonctot, hearing examiner, being present at the hearing, and the Board having read the transcript, and having seen the exhibits, records and files herein and having entered on the 15th day of October, 1974, its

1 proposed Findings of Fact, Conclusions of Law and Order; and the Board
2 having served said proposed Findings, Conclusions and Order upon all
3 parties herein by certified mail, return receipt requested and twenty
4 days having elapsed from said service; and

5 The Board having received no exceptions to said proposed Findings,
6 Conclusions and Order; and the Board being fully advised in the premises;
7 now therefore,

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed
9 Findings of Fact, Conclusions of Law and Order, dated the 15th day of
10 October, 1974, and incorporated by this reference herein and attached
11 hereto as Exhibit A, are adopted and hereby entered as the Board's
12 Final Findings of Fact, Conclusions of Law and Order herein.

13 DONE at Lacey, Washington this 27th day of January, 19

14 POLLUTION CONTROL HEARINGS BOARD

15 Walt Woodward
16 WALT WOODWARD, Chairman

17 Chris Smith
18 CHRIS SMITH, Member

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FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This matter, an appeal of a \$25.00 civil penalty for allegedly operating and maintaining a waste burner in violation of Respondent's Regulation I, came before the Pollution Control Hearings Board, Bernard G. Lonctot, hearing examiner, at a formal hearing in Spokane, Washington at 9:45 a.m., August 14, 1974.

Appellant, having requested this hearing, made no appearance; Respondent appeared through its attorney, James Emacio. Jo Ann Ames, Spokane court reporter, recorded the testimony.

Having read the transcript, and having seen the exhibits, the

EXHIBIT A

Pollution Control Hearings Board makes the following

FINDINGS OF FACT

I.

Appellant, G & M Engineering, Inc., is located at West 127 Boone Avenue in Spokane. On its premises, Appellant maintains and operates an incinerator

II.

On April 17, 1974, Doug Pottratz, a chemist for the Spokane County Air Pollution Control Authority (SCAPCA), noticed black smoke emitting from a source located at West 127 Boone Avenue. He investigated the smoke source and verified it as being emitted from an incinerator he had closed down on April 22, 1972. He also saw two men burning paper and linoleum in the incinerator. These men were employees of the Appellant

III.

Section 6.03A of Respondent's Regulation I provides that:

"It shall be unlawful for any person to burn any combustible refuse in any incinerator within the jurisdiction of this Authority except in an approved multiple-chambered incinerator or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control"

IV.

The incinerator at Appellant's location was not a multi-chambered incinerator or an otherwise SCAPCA approved incinerator during any period April 22, 1972 through April 17, 1974.

V.

Any Conclusion of Law hereinafter recited which should be deemed a Finding of Fact is hereby adopted as such.

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

1 From these Findings, the Pollution Control Hearings Board comes
2 to these

3 CONCLUSIONS OF LAW

4 I.

5 There was a violation caused by Appellant of Section 6.03A of
6 Respondent's Regulation I on April 17, 1974.

7 II.

8 Alternatively, the Board concludes that Appellant's appeal should
9 be dismissed. It appears that Appellant has received notice of this
10 hearing pursuant to WAC 371-08-160. It also appears that Appellant
11 has not appeared to prosecute its appeal. Under these circumstances,
12 the appeal must be dismissed.

13 III.

14 Any Finding of Fact, which should be deemed a Conclusion of Law
15 is hereby adopted as such.

16 Therefore, the Pollution Control Hearings Board issues this

17 ORDER

18 The \$25.00 civil penalty assessed for operating and maintaining
19 a waste burner in violation of Respondent's Regulation I is affirmed.

20 DATED this 15th day of October, 1974.

21 POLLUTION CONTROL HEARINGS BOARD

22 Walt Woodward
23 WALT WOODWARD, Chairman

24
25 W. A. GISSBERG, Member

26 FINDINGS OF FACT,
27 CONCLUSIONS OF LAW
AND ORDER

Chris Smith
CHRIS SMITH, Member

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FINDINGS OF FACT,
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